Previous references.

v

1903.-04.-

(Police)

File No. 154 O

Serial Nos. 1.

Later references.

Police Jl No. 154 Pgs 13 & 14.

(F 73)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B. for

SUBJECT.

Appeal in Criminal Case No 90 of 1902-0 on the file of the 2nd Asst Court - Magistrate, Hassan (Govt Vs Puttu thammegowa

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Table of Contents

Pgs 1. From the Dt Magistrate Hassan No 563 dy 26-5-0 Requesting to move the Govt Advocate to appeal against the order of the acquittal passed by the 2nd Cl Asst Comr Hearer Case in Crs Govt Vs Puttu th

Pgs No 2. To the Govt Advocate No 1923 dy 30-5-03 forg copy of Pl No 1 & asking his opinion

Pgs No 3 From the Govt Advocate No. 239 dy 6-6-03 stating that case is not a fit one to appeal

Pgs No 4. To the Dy of Police No 2024 dy 30-6-03 forg copy of Pl No 1 & 3 with a request that he will if possible ascertain the truth of the case by local enquiry. No 2095-3/30/6/03 Copy to the Dt Asst Hassan

G. R. S. 58

Sl No. 5 - From the Dy of Police Rc $\frac{323}{287}$ dt 11-7-03
stating that he will enquire into the circumstances of the case & asking the forwarding of the enclosures noticed in the ref

Sl No 6. To the Dy of Police Rc 181 dt 21-7-03
stating the enquiry will be awaited and forwarding the enclosures reported to.

Sl No 7 From the Dy of Police Rc $\frac{207}{266}$ dt 16-7-04
strongly recommending that the Govt Advocate may be instructed to defend the Inspector & the others.

Sl No 8 To the Dy of Police Rc dt 23-1-04-
stating that the Chief Court have rejected the petition of Patta Thimegowda and enquiring any further action on the part of Govt is now necessary -

Sl No 9. From the Dy of Police Rc $\frac{5369}{330}$ dt 4-3-04
forwarding copies of Docket No 5613 dt 24/2/04 and its enclosure from DC Hassan & requesting to sanction the defence of the individuals referred to at Govt cost

Sl No. 10. To the Dy of Police Rc 1994 dt 21-3-1904
Requesting that a copy of a judgment in Criml Case No 9 of 02-03 on the file of the Asst Sessions & 1st Class Magt of Hassan in which the applicant Patta Thimegowda was the accused may be obtained & forwarded to this office for reference.

Sl No 11. From Dy of Police Rc. $\frac{6842}{365}$ dt 26/3/04
Forg copy of judgment on the file of Hassan 1st Class Magistrate Court

LC No 12. To the Dy of Police & Dy Govt Hassan Rc 24-64-
dt 18-5-05
Approving the action of the Dy Govt in engaging the Public Prosecutor to assist & defending the Police Inspector Krishna Rao & 5 others and to report how the case stands at pres

File No. 152 of 1903-04

OFFICE OF THE DEWAN OF MYSORE,

(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

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‡1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink

Subject. Appeal

Letter No 563 dated 26th May 1903 from the ~~Inspector~~ District Magistrate of Hassan requesting that an appeal be preferred to the Chief Court against the order of acquittal of the accused ~~by~~ passed by the Asst Commr & 1st Class Magte of Hassan ~~&~~ in Criminal case No 90 of 1902-03 on the file of ~~this~~ his file.

Note.

Submitted for orders

28/5/03 The Government Advocate's opinion may first be obtained

Draft put up

Draft issued. 28.5.03

In reply the Govt Advocate states that it is not a fit case to appeal. The following ~~grounds~~, are, in his opinion the grounds for not believing the prosecution evidence :—

1. The statement of the Insp that he gave Rs 7 5 for the gold cup and thread

But the defence admits that of the gold cup and thread in support to the defence.

Those grounds are more or less superficial

Concurrent evidence against 2 other persons not

2. There is enmity between the

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides leaving the same side as margin.

accused and one of the two
prosecution witnesses alread
arrested and let off.

3) There is not sufficient
identifying marks to prove.
the cup and bread as alleged
by the complainant. There is
not satisfactory proof of
the ownership of these articles
by the complainant.

4) Two important witnesses
have withdrawn in the cross
examination, the statement
made in their chief examinaton
-) As to the discovery of Rupees
the magistrate is not correct
in the appreciation of the
evidence adduced by the
accused, this fact in itself
does not prove as disproved
by the prosecution.
) The case for the prosecution
cannot be made strong by
the weakness of the defence.

Such withdrawals may simply have been due to the witnesses having tampered with subsequently.

Submitted for orders with
a draft to the Dt Magte to
the effect that Govt do not
Consider this a fit case
for appeal.

11/6/03 The important thing, but well and clearly written, memo of the grounds of appeal submitted with the Dt Magte

letter seems to show that the case for the prosecution is not quite so weak as the Asst Comm^rs judgment makes out. (~~It is difficult to summarise~~ The facts of the theft is not denied, nor the fact that the keys and thread were produced by the accused with a sinister motive (according to the defence's case ~~evidence~~ evidence in order to make out a case against 2 other persons). The evidence (specially after two of the important prosecution witnesses withdrew their earlier statements in cross examn) is no doubt somewhat conflicting. But, it is possible that a Magistrate ~~who ascertained~~ after recording the evidence in this case & noting the demeanour of witnesses as in Mr Ahuja's case, might have appreciated the evidence in a different way. The District Magistrate thinks an appeal is necessary in the interests of justice. Where a reasonable degree of doubt exists as to the correctness of a subordinate tribunal's decision, perhaps the filing of an appeal seems not inadvisable.

11-6-63

The case is a doubtful one at the best as far as can be made out from a perusal of the Asst C's memo. &

Police Offr. Do does not
seem expedient to file an
appeal. The draft however
is submitted.

17/6/03

The Dewan
through the
Govt Advocate

12/6/03

J.282
18-6-03

0247

Yes -

"The Govt Advocate who was consulted having expressed the opinion that there is not a fit case for appeal Govt are unable to prefer an appeal ~~in this case~~ more especially as the case depends entirely upon an appreciation of evidence"

Note - Cases such as this one may be opened I am afraid there has been a miscarriage of justice But there is no use our filing an appeal & subsequently the prosecution have others who is not favour of the being dispensed -

C.
9/6/03.

Govt Advocate
Dewan
Govt Advocate

10939
18.6.03

Dewan
Govt Advocate

Put up with acct
12.6.03
draft file

dtd
2/6/03

The above orders were
communicated to the
Inspector General of Police
who in reply thereto, State
that the matter has already
engaged his attention and
that the same could not
be disposed of as the
Dy Comr had promised
to move the Govt to prefer
an appeal in the case.
He adds that he will enquire
into the circumstances
connected with the case
when he visits the Taluk
next.
Submitted for orders with
a draft

dtd
10/7/03
draft issued -
The Inspector General
of Police now forwards copy
of a letter from the Dy
Comr of Hassan stating
that

that Kodail Killer Thudime Gowda who was prosecuted in the Sessions Court for murdering and theft case, has moved the High Court in the matter of ~~case~~ Sanctioning the prosecution of the Police Inspector Krishna Rao and 6 of the prosecution witnesses in the case as the application of the Podial to the Asst Comr & 1st class Magte of Hassan was not Sanctioned, and that the High Court have issued notice to the Inspector & others to show cause on the 20th January 1904, why sanction now to prosecute them should not be granted. The Inspector Govt Pros recommends that the Govt Advocate may be instructed to defend the Inspector and the others summoned for ~~orders~~.

Note
This date has already passed

21/1/04 Reminder Letter sent to the Ch: Court-Ascertain whether the case was called on & Inspector Krishna Rao [illegible]

Submitted -

The Chief Court have passed an order to the effect that the Petitioner should apply to the Sessions Judge and have rejected the Petition.

no official intimation / This may be intimated to the Govt. Pleader

22/1/04 To Secy

22.1.04

You may write to ask if D.O. if any further order is required

22/1/04

Send this D.O. to Mr Nadiah, keeping copy

23.1.04

D.O issued.

In reply, the Inspector General of Police in Mysore forwards a copy of a communication from the Deputy Commissioner, Hassan District stating that he has, in anticipation of the sanction of Govt, addressed the Public Prosecutor of the Ashtagram Division to defend the Police Inspector Krishna Rao and 5 others in the Court.

of the Sessions Judge, Mysore, in the
said case; and requests that sanction
be accorded to the defence of the indi-
-viduals referred to at Government cost

Subd with a draft order sanctioning appoint
LN of the D. C's action.
9/3/04

This case was heard in the 24th ultimo, &
must have been decided by this time.
An enquiry as to the order passed
has been asked in the draft.
9.3.04

Subd to the Dewan
through the 2nd Cr. 9/3/04
768
9-3-04.

10/3/04

11.3.1904

1659
12.3.04

Dewan's order on the draft

Where is the judgment
which forms the basis of the whole cor-
-respondence Till I see it I cannot
form an opinion I think it is an
principle

The action of the Deputy Commissioner is approved.

2. The ~~[illegible]~~ order passed by the learned Judge in the above writ petition should be vacated.

Offg Secretary

To The I.G. of Police in Mysore
" ~~Dy Comm'r~~ Comptroller.

SW
9/7/04.

0774/6

Whereas the finding which forms the basis of the whole correspondence - viz one it cannot form an opinion whether it is a principal or not - does not affect the rights of the parties and in the result of the Bombay decision the Deputy Commissioner was a little too hasty in ... with the petitioner - what would ... and the II ... action?

Mysore
12.3.04

ople not [illegible] to depose prepare
ies and witnesses at the cost of Govt.
these precedents? I think the
ict Magistrate was a little too hast
writing to the Public Prosecutor.
Why was this sent to the II^nd Councillor?

(Intd) P.N.K.
12-3-04.

A copy of the judgment in the case
is obtained and submitted for orde

SR 31/3/04 Note if there are any precedents of such persons being defended at Govt cost within the last 5 years.

31-3-04

and stamps for ₹16 21/4/04 submitted with a precedent, & with
SR 7/4/04 respect of the Advocate
Magte, resp by the decea
5/4

Sec'y

Subd to the Dewan

The judgment is put up.
The matter was subd to the then
2nd Councillor Mr Sriniwasangar as I
thought of came under "Judicial

17/4/04

17-27-20/4/04

10
1860

The Dy Comr (Mr Devarajan) should be asked this - & send the whole case with which he brought what an earnest and active Police officer. I shall not interfere with the disposal of the case.

CBO 12.V.04

14/5/04
Draft submitted
14.5.04

Draft Submitted
SN
16/5/04

Issue 16/5/04 Issued

1 Bro No. 2464-65 dated the 18th May 1904 appearing of the chair of the Deputy Commissioner and requesting the Inspector General to report how the case stands at present and what orders if any were passed by the presiding judge in Putta Thimmegowda's af

OFFICE OF THE
1902/03/12760
27 MAY. 1903
DEPUTY COMMISSIONER

From The Deputy Commissioner
Salem District
Salem

To The Hon'ble V. Venkatasubba Rao
Member in Charge
Secretary to Government
of Mysore General
and Revenue Departments
Bangalore

Dated 26th May 1903.

Despatched May 1903.

Received

General No. 568

No. dcg.

Enclosure No. 2 bills

Enclosing a memo
of the grounds
of appeal in Criminal
Case No 90 of 1902/03
on the file of the
2nd Class Assistant
Commissioner
and Ex-officio Magis-
trate Salem

Govt #5 Public Petitions

Hassan 26th May
No 2605/2M Magistrate's Court
Dated 26th May 1903

From

Serial No 1.

D Devarajaru Esq
Asstt Magistrate Hassan

To

The Honble Vepery Subramanyam Esq M.A. M.L.
Secretary to Government of
Mysore General and Revenue Depts
Bangalore.

Sir,

In forwarding herewith for
perusal copy of Judgment and
a memo prepared by the Asstt
Superintendent of Police in
Criminal Case No 90 of 1902/03 on
the file of the 2nd Grade Asstt
Commissioner and 1st Class
Magistrate Hassan (Government
vs Puttaswamy Gowda) I have

the honour to state that the
records of evidence and the
probabilities of the case
appear to be such that appeal
against the order of acquittal
passed by the Magistrate is
necessary in the interests of
justice.

I beg therefore you will
be pleased under section 417 of
Criminal Procedure Code, to
move Government to direct
the Government advocate to
take necessary steps in the
matter at an early date—

The records of the case
will be submitted if required.

I have the honour to be
Sir
Your most obedient Servant

W Maude

Ag Magistrate
Karaikal

(2) 3

Serial No 2

To

The Govt Advocate

No 1923 & 20/5/03
J. Mis Case 3

I have the honor to forward herewith a copy of the Kandyan D.C. Kaglle letter No 563 of 26 May 1903 (and enclosures in original) & to request the Govt Advocate to furnish his opinion (with reasons therefor) as to whether this is a fit case for preferring an appeal to the Supreme Court from the order & judgment pronounced by the 2nd Puisne Justice & the Chief Justice of Kandy in Civil Case No 50 of 1902

Hirimbura
20/5/03
Asst

4

No. 239

Enclosures Nos

Government Advocates Office

Bangalore 6th June 1903

Serial No 3

(3)

OFFICE OF T
Regd No. 13223.
10 JUN 1903
DEWAN OF M
2574

From The Government Advocate in Mysore.

To The Secretary to the Government of Mysore, Revenue & Legal Depts.

Sir,

In reply to your letter No. dated 03, I have the honor to state that it is not a fit case to appeal. In addition to this reason assigned by the Magistrate for not believing the prosecution evidence, I have to state as follows.

1. The Statement of the Inspector that he gave Rs 75/- for the preparation of the Gold Cup and

and thread supports the defence.

There is similarity between the accused and one of the two prosecution witnesses already arrested and let off.

There is not sufficient identifying marks to prove the cup and thread alleged by the Complainant. There not satisfactory proof of the ownership those articles by the Complainant.

Two important witnesses have withdrawn in the Cross Examination. the Statements made in their Chief Examination.

As to the discovery of Rupees the magistrate is not correct in his appreciation of the evidence adduced by the Accused, this fact in itself does not prove as is proved by the prosecution.

The case for the prosecution cannot be made strong by the weakness of the defence.

letter under reply are herewith returned.

I have the honor to be

Sir

Your most obedient Servant

S Ramsay

Government Advocate

(4)

Serial No 4

Read:—

Letter No 563 d
26th May 1903 fro
the Dt Magte of Has
requesting that a
appeal may be a
to be filed in the
Court against the
of acquittal of the
passed by the 2nd Cl
Assistant Comr
1st Class Magte, H
in Criminal Case
90 of 1902-03 on h
file.

Also- Letter No
dated 6th June 190
from the Govt Ad
in Mysore, stati
that in his opini
the case above
referred to is no
a fit one for app
to the Chief Court

Order thereon:

The Govt A
who was consulte
having expre

the opinion that at this
is not a fit case
for appeal. Govt
are unable to prefer
an appeal, more
especially as the
case depends entirely
upon an appreciation
of evidence.

23.6.13

Secretary.

Lo.

The Dy Magte of
Tumkur Hassan returning the
records & with the request
that as Dr. Bomz he will consider
whether the Patel deserves
to continue in Office
even after acquittal.

Copy of the above is forwarded to the Inspector General of Police with the request that he will kindly enquire, if possible, ascertain the truth of the case, by local enquiry, as

2094 30/6/13
J. M.

as there is at present a judicial finding that the Inspector acted irregularly and dishonestly. The accused Putta Thimmegowda is by admission guilty of attempting to fabricate false evidence vera. & it is desirable that the Dt Magte should to ~~by~~ have take action ~~to by~~ the man ~~should not~~ tried ~~prosecuted~~ for that and other kinds Offences. The result of the trial as it at present stands bears all the matter ~~facts~~ con-~~cerned~~ in a suspicious Nature (Mystery) and in the interest of the Police Department, the suspicion against the Inspector must be cleared.

2. The deputy ~~Commr~~ Secretary

Will have to consider the
point whether the accused,
even though he has been
acquitted, deserves to continue
in Patel
3. The enclosures to the St-Kaplé
letter are forwarded for personal
& eventual return thereof.

23/6/13

24/6/13

C/s to the Dy Com'r 2
St-Kaplé, Hanuman Rd
2095 dt 30/6/13
J m.

of the accused persons passed by the General Assistant Commissioner and 1st class Magistrate, Hassan, in Criminal case No: 90 of 1902-03, on his file, and stating that in the interests of the Police Department, the suspicion against the Inspector in the case must be cleared, I have the honor to state that the matter has already engaged my attention, and that the same could not be disposed of as the Deputy Commissioner had promised to move the Government to prefer an appeal in the case. I shall enquire into the circumstances connected with the case when I visit? meet the Taluk next.

The enclosures referred to in para 3

Office of the
Inspector General of Police in Mysore

No. 323
287

Dated, Bangalore, 11th July 1903.

13 (5) 11.

J 69

Special Br 5

From,

C. Madiah Esquire Rao Bahadur,
Inspector General of Police in Mysore.

To,

H. V. Nanjundayya Esquire M.A.M.L.,
Secretary to the Government of H. H.
The Maharaja of Mysore,
General and Revenue Departments.

Sir,

Adverting to your memo 2094/J.M. dated 30th ultimo, communicating the orders of Government in the matter of appeal to the Chief against the order of acquittal

Office Draft. (Docket.) 6

15

Mysore Dewan's Office,
Branch.

Serial No 6

To The Inspector Genera
of Police in Myso

Date of passing the draft 21.7.03
Date of despatch

Regd. No. 181 ✓
File No. & date (if any)

No. of Encls. 2 bills

The Insp.tor Genera
letter No 323/287 dated 11/13
July 1903 stating
with reference to this Offi
Memo No 2094 - J M.
dated 30th June 1903
that he will enquire
into the circumstance
connected with the
suspicious conduct of
the Police Inspector
of Hassan in Crimina
Case No 90 of 1902-03
on the file of the Ld
Assistant Comr and
1st Class Magte of Ha
when he next visit
that Taluk.

Has the honour
to state that the

of your memo have not been received.

I have the honor to be,

Sir,

Your most obedient servant,

Commd

Inspector General of Police

request your [illegible]
enquiry will be awaited.

2. The enclosures referred to in para 3 of the Office Memo of the 25th June 1903 are returned.

By order

20-7-03

Secretary

Urgent

1904 J 1297

From

THE INSPECTOR GENERAL
OF POLICE IN MYSORE.

To

THE SECRETARY TO THE GOVT. OF MYSORE,
GENERAL AND REVENUE DEPTS.

Serial No 7

Dated 19.1.04

Despatched 20 Jan 1904

Received

General No. 1207

No. 255

Enclosure No. one

Requesting to move Government to instruct the Government Advocate to defend Inspector Krishna Rao and five Mors concerned in Hasan "House breaking and theft" case in the Chief Court revision.

Jud 21.1.04

urgent 17

Serial No 7

OFFICE OF THE

INSPECTOR GENERAL OF POLICE IN MYSORE.

No. 4207 Dated. Bangalore 16th: January 1904.

Enc. one 253

From Rao Bahadur C.Madiah Esquire,

THE INSPECTOR GENERAL OF POLICE IN MYSORE.

To H.V.Nanjundayya Esquire, M.A, M.L.,

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to ~~correspondence~~ correspondence ending with your docket No: 181/ J of the 21st: July03 I have the honor to forward herewith Copy of letter No: 457of the 10th: January 1904 from the Deputy Commissioner of the Hassan District stating that Poteil Puttathimme Gouda having appliedto the Treasury Assistant Commissioner and 1st: class Magistrate for sanction to prosecute the Inspector and 5 of the prosecution witnesses in the Heragu House-breaking and theft Case and the same having been refused the Poteil has moved the Chief Court in the matter in revision and recommending that they may be defended by the Government Advocate in the Criminal revision case in which the Chief Court have issued notices to the Inspector and others to show cause on the 20th: instant, to prosecute them by sanction

Under these circumstances represented by the Deputy Commissioner I strongly recommend that the Government Advocate may be instructed to defend the Inspector and the others.

I have the honor to be

Sir,

Your most obedient servant,

Inspector General of Police in Mysor

): 457 Hassan District Police Office ,

Dated 10th January 1904.

Enclosure 6 & C Rs. 7

om,

D.Devaraja urs Esquire,
Deputy Commissioner,
Hassan District.

To,

C.Madiah Esquire Rao Bahadur,
Inspector General of Police in Mysore,
Bangalore.

Sir,

I have the honor to inform you that the house of one Venkata-chela Iyengar of Heragu village in the Hassan Taluk was broken into on the night of 24.11.1902and property of the value of about Rs: 1684/- consisting of a Gold cup, chain, and other jewels and Rs: 800 in cash stolen therefrom.

Inspector Kristna Rao of the Hassan Taluk investigated ahe case and placed Poteil Putta Thimmay Gouda of Heragu with a charge sheet in the above case charging him under sections 380 or 411 of the I.P.Code.

Mr: B.Ramaswamayya the 2nd General Assistant Commissioner and 1st class Magistrate Hassan who tried the accused acquitted him on the 11th February 1903. In the course of the judgment the Magistrate passed certain strictures against

the conduct of the Police especially against the investigatir Officer Kristna Rao, the gist of which was that the whole case against the accused was a piece of clever concoction that the statement of the Inspector was incredible and that the pr perty produced as stolen did not belong to the complainant.

The Inspector General of Police thereupon call for a copy of judgment in the case and subsequently for a cop of the deposition of Inspector Kristna Rao before the Magistr as also his explanation in regards the Magistrate's stricture (Vide his dockets Nos 4012/221 and 5593/253 dated 26.2.03 an 1.4.03 respectively) . These were furnished with this Office Nos 559/13.3.03,and 694/ 23.5.03.

Meanwhile Mr: Nagappa Barrister-at-Law presente an application to you on behalf of Poteil Putta Thimmay Gouda soliciting sanction to prosecute Inspector Kristna Rao for offences under sections 193, 211, 344, and 380 of the I.P.Cod and the same was forwarded for my opinion and report with you docket No: 5863/ 237 dated 14th April 1903. My reply to the above reference (vide No 586/23.5.03) will show that the strictures of the Magistrate are not warranted by the recorde evidence and the probabilities of the case, that I am convinc that Putta Thimme Gouda is the real offender and he escaped

his well-merited punishment, and that in the interests of just this was a fit case for Government being moved to prefer an appeal to the Chief Court against the acquittal order. After mature consideration of the whole facts of the case, I was dec ded ly of opinion that the application of Mr: Nagappa should be rejected.

Government were accordingl y addressed ir the matter of directing the Government Advocate to file an appeal in the Chief Court against the acquittal; and for some reason or the other they were not prepared to prefer an appea (vide Govt Pro dated 30th June 1903.) In the same proceedin, however it was observed that Poteil Putta Thimmay Gouda is by admission guilty of attempting to fabricate false evidence and it is desirable that the Distrct Magistrate should take action to have this man tried for that and other kidred offer

While matters stood thus, Mr: Nagappa Barriste at-Law on behalf of Poteil Putta Thimmay Gouda presented the application on 13.4.03 to the Treasury Assistant Commissioner and 1st class Magistrate (Mr: B.Ramaswamayya) praying for sanction to prosecute Inspector Kristna Rao and five other prosecution witnesses in the House breaking and theft case, the 1st for offences under sections 193,211, 380 and 344 and the rest under sections 193 and 211 only of the I P Code.The sanction asked for was however refused by the Magistrate on

the 24th September 1903, on, among other grounds, that as fa
as the petitioner is concerned he has no serious grievance, h
has been acquitted and the property ordered to be delivered
him, that beyond this he does not deserve any consideration
that in the earlier stages of the enquiry into the case he
played a part which was by no means free from all trial of
wickedness and dishonesty and that he ought to be thankful t
that case has ended so far in his favour.

Against the above order of the Magistrate Pote
Putta Thimmay Gouda has filed a Criminal Revision Petition i
the Chief Court and notices dated the4th instant havebeen re
ceived by the marginally noted persons:-

(1) Police Inspector Krishna Rao
(2) Venkatachalienpar
(3) Kuttiamma
(4) Sampath Iyengar
(5) Thimmala Char
(6) Krishne Gowda

} The Complainant and important witnesses in the House-breaking and theft Case.

to show cause on the 20th instant why sanction to p secute them should not be granted for offences unde the sections quoted above the application rejected

the Assistant Commissioner Magistrate Mr: Ramaswamayya.

Now I have to state that in accordance with th instuctions contained in Government Proceedings of the 30th June 1903 quoted above sanction to prosecute Poteil Putta Thimmay Gouda for offences under sections 193/511 I.P.Code has been granted by the District Magistrate and a complaint

was lodged in the matter on the 23.12.03 in the Court of Mr: Chandy , General Assistant Commissioner and 1st alass Magistra The case is now pending trial in the above court.

In connection with the Criminal Revision Petition which is posted for hearing before the Chief Court to the 20th instant, I have to state again that Inspector Kristna Rao did his duty boldly and in a straight forward manner throughout the investigation of the heinous case of House-breaking and theft in a village full of influential factions and that all that had to be done by him was done with the best of intentions.

From subsequent enquires made by the Assistant Superintendent of Police on the spot on more than one occasion, I am thoroughly satisfied not only that the Inspector was perfectly innocent in the matter but that he had displayed detective abilities of a superior order towards bringing the real offender to justice. There was nothing in his conduct which would bring discredit to the Police Department.

In the intersts of the presige of the Police Department and as an incentive for honest work I think it is very desirable that the Inspector and the witnesses who gave honest evidence in the case must not be left to shift for themselves but should be defended by Government.

I therefore earnestly request that you will be so good as to take steps to have Inspector Kristna Rao and the

the other five counter-petitioners defended by the Government Advocate, this being a case deserving of this special concess

I have &

(Sd) D.Devaraja Urs.
Deputy Commissioner,
Hassan District.

Copy

For Inspector General of Police .

Bangalore
23-1-04

Serial No 8

4
25

Serial No 8

My dear Sir,

In your letter No. 4207/253 dated 16th Jan'04 (despatched on the 20th and rec'd here on the ~~21st~~ 21st idem), you ask that the Govt. Advocate may be directed to defend Inspector Venkata Rao and certain others before the Chief Court on the 20th inst. It will be seen ~~read~~ that the communication has been received too late to admit of any orders being passed

At the same time however it is understood that the Chief Court has passed an order both about that the petitioner Pattu Thimma Gowda should apply to the Sessions Judge & hence accordingly rejected his petition In these circumstances I am desired to enquire whether any further action on the part of the Govt is now necessary.

Yours faithful

1800.

1903-04

9

From,

The Inspector Generalof Police
in Mysore.

To,

The Offg. Secretary to the
Govt: of H.H. the Maharaja of
Mysore.

General and Revenue Departments.

ated. 1st. March 1904.
espatched. 4
eceived.
eneral No. 5369
No. 330.

Enclosure No. 2

Forwarding copies of docket No. 561 of the 24th. February1904 and its enclosure from the Deputy Commissioner of the Hassan Distt:, and requesting to move the Govt: to sanction the defence of the -- individuals referred to at Govt:- cost.

---

26 NO: 5369/330 Sericil No 9. Office of the
Inspector General of Police in Mysore
Dated, Bangalore, 1st. March 1904

4

From,

Rao Bahadur C. Madiah Esquire,
Inspector General of Police in Mysore,

To,

L Anantasami Rao Esquire, B.A.,
Offg: Secretary to the Government of H.H.
the Maharaja of Mysore.
General and Revenue Departments.

Sir;

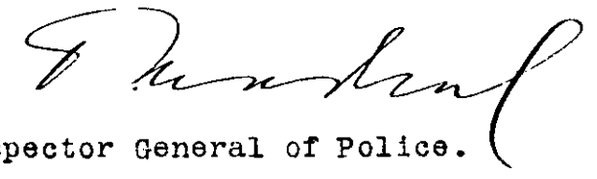
In continuation of this office letter No. 4207/255 of the 20th. January 1904 and with reference to the Assistant-Secretary's D.O. dated 23rd. January 1904, I have the honor to forward herewith copies of docket No. 561 of the 24th. February 1904 and its enclosure from the Deputy Commissioner of the Hassan District stating that he has addressed the Public Prosecutor of the Ashtagram Division to defend Police Inspector Krishna Rao- and 5 others in the Court of the Sessions Judge, Mysore, in - which Putta Thimme Gowda, Patel of Heragu village, has appeal--ed against the order of the Treasury Assistant Commissioner - and 1st. class Magistrate Hassan declining to sanction the -- prosecution of the Inspector and others. I request that you will be so good as to move the Government to sanction the -- defence of the individuals referred to at Government cost.

Ihave the

I have the honor to be,

Sir,

Your most obedient servant,



Inspector General of Police.

From
D. Devaraj Urs Esquire.,
Deputy Commissioner Hassan
District.

To
C. Madiah Esq, Rao Bahadur.,
Inspector General of Police
in Mysore.

enclosure
to Ltr No 9

Dated 24th February 1904.
Despatched
Received
General No. 561
No.

Enclosure No. one

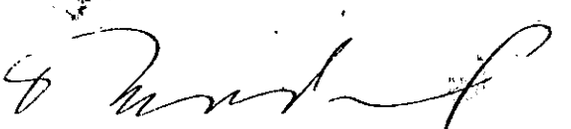
With reference to his D.O letter of the 22nd instant re this office reference No: 551 dated 20-2-04 in the matter of defending the counterpetitioners in the Astagram Sessions Court, has the honor to forward herewith copy of District Magistrate's reference to the Public Prosecutor and to state that as the Public Prosecutor has been informed that order of Government will be obtained, it seems desirable that the Government is moved in the matter.

Requests therefore that he will be good enough to do so.

Sd/ D. Devaraj Urs.
Deputy Commissioner
Hassan District.

"Copy"

"Copy"



Inspector General of Police.

From
D. Devaraj Urs Esquire.,
District Magistrate, Hassan
District.

To
The Public Prosecutor, Astagram
Division, Mysore.

Enclosure to SC Ltr 9.

Dated 20th February 1904.
Despatched
Received
General No. 552
No.

Enclosure No. nil

Has the honor to inform him that one Putta Thimme Gowda, Patel of Heragu village in the Hassan Taluk, made an application to the Treasury Assistant Commissioner and 1st class Magistrate Hassan (Mr. B. Ramaswamayya) praying for sanction to prosecute the marginally noted persons for offences under sections 193, 211, 380 and 344 of the Indian Penal Code said to have been committed in the course of Police investigation of a case of House breaking and theft committed in the Heragu village in November 1902. The sanction asked for by Putta Thimme Gowda was refused by the above Magistrate on the 24th September 1903.

Against the order of the Magistrate, the petitioner Putta Thimme Gowda

1. Inspector Krishna Rao
2. Venkatachelliengar.
3. Kuttiyamma.
4. Sampath Iyengar.
5. Thirumalacharry.
6. Kristne Gowda.

Gowda has filed an appeal in the Mysore Sessions Court, and the same is posted for hearing before the above Court on the 26th instant.

The undersigned is of opinion that this is a case in which the Pol Inspector and others should be defended by Government, and the Inspect General of Police has been asked to move Government in the matter of de ing the Public Prosecutor to appear on behalf of the counterpetitioners and defend them in the Sessions Court.

To avoid delay owing to hearing date being very near, it is reques that he will, pending the receipt of Government order in due course, defend the Inspector Krishna Rao, and the other counterpetitioners in t Sessions Court.

Sd/D. Devaraj Urs.
District Magistrate, Hassan.

"Copy"

Sd/ D.Devaraj Urs
District Magistrate, Hassan.

"Copy"

Inspector General of Police.

Mr Office 32 Docketed (10)

Office Draft. (~~Letter~~)

Mysore Government,
General & Revenue Secretariat,
Jud. Branch.

Serial No 10

To :

The Insp^r General of Police
in Mysore

Date of passing the draft 21st March 1904
Date of despatch

Regd. No. 1994
File No. & date (if any)

No. of Encls. 7

His letter No. 5369/330 d: 1-3-04

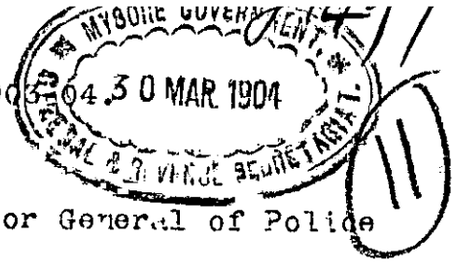
requesting sanction of Govt to
~~Sir,~~
defend at Govt cost Police
Inspector Krishna Rao and 5
others for whose prosecution for
having given false evidence an
application was presented by
Patel Putta Timmegowda to the
Court of the Sessions Judge, Mysore
Division.

Adverting to the above, has the
honour

"3" now to request that a copy of the judgment in Cr. Case No. 90 of 902-03 on the file of the Asstt Insp. & 1st. class Magistrate of Hassan : which the ~~applica~~ applicant Uta Timmi Gowda was the accused, may be obtained and forwarded to his office for reference at a very early date.

Yours obedt

for Office Secy



1903-04

From,

The Inspector General of Police

in Mysore.

Social No 11

The Secretary to the Govt. of H.H.
the Maharaja of Mysore in the
Genl. and Rev. Departments.

Dated 26

Despatched 26 March 1904

Received

General No. 5802

No. 365

Enclosure. No. one

Forwarding copy of Judgment in Criminal Case No. 90 of 1902-03 on the file of the Assistant Commissioner and 1st class Magistrate of Hassan.

Recd 29/3/04
for J Bruce Lee

Referred to the
Inspector General of Police
for information
— Dewan
30.3.04

Returned
30/3/04

34

MS 842

365 over

Office of th

Inspector General of Police in

Dated, Bangalore, 23rd. Mar

26

From,

The Inspector General of Police i

in Mysore.

To

L. Anantasami Rao Esquire,

Secretary to theGovernment of

His Highness the Maharaja of Mysore.

General and Revenue Departments.

Sir,

Adverting to your docket No. 1994/J of the 21st. March 1904, I have the honor to forward herewith copy of ----- Judgment in criminal case No. 90 of 1902-03 on the file of the Assistant Commissioner and 1st. class Magistrate of Hassan, -- (Government ~~vs~~. Putta Thimmé Gowda.)

I have the honorto be,

Sir,

Your most obedient servant,

Inspector General of Police in charge.

Enclosure to
H No 11

In the court of the 2nd General Assistant Commissioner, and First Class Magistrate, Hassan District, Dated, Hassan, 11th February 03.

Present.

B. Ramaswamiah Esquire B.A, B.L

First Class Magistrate.

Criminal Case No 90, of 1902-1903.

Complainant.

(Government), Venkatabhalad Sp

Vs alias Shamanna.

Accused.

Putta Shimmegowda, by messers B. Nagappa, Barister-at-Law and Mr. M. Seeakantiah, Pleader.

Judgment.

The complaint was at the instance of the Police of the Hassan Taluk and was as follows:—

That, on the 24th November 1902, at Heragu the complainant's house was broken into and money

n cash, a gold cup, chain and other jewels
36
buried therein under a cot in the stone room were
stolen and that the moneys, cup and chain were
subsequently found with the accused Hence
he accused was produced by the Police with
a chargesheet before this Court for trial under
ections 457-380 or 411 Indian Penal Code.

The prosecution examined

1 Venkatachalaiyangar alias Shamanna (Complainan
2 Kuttiyamma 3 Doddappegowda.
4 Venkataramanabhatta 5th Ranjabhatta
6. C. Krishnarao Police Inspector 7 Sampatta-
yengar 8 Venkataramanappa 9 Shiva-
malabhatta and 10 Krishnegowda and
filed the following Exhibits:—

A. Statement of the complainant before Police
Inspector—

B A rough Sketch of the house and

C An anonymous petition with its cover
addressed to the Head of Police Hassan Taluk—

The following articles were also produced on behalf of the Prosecution:—

Article № 1 A Gold cup

" " 2 A Gold String (chain)

" " 3 A bit of Gold

" " 4 A pot containing 800/- Rupee

" " 5 A bag containing Rs 45-14-0

" " 6 A Gold Earring.

" " 7 A Crowbar

The accused was charged as follows:—

Firstly:— That you on or about the 24th days of November 1902, at Heraqu, committed House breaking by night in order to commit theft and committed theft in respect of property worth Rs 1684-6, and thereby committed an offence punishable under sections $\frac{457}{380}$ of the I. P. code, and within my cognizance.

Secondly:— That you on or about the 24th day of November 1902, at Heraqu, dishonestly received property of the value of Rs 1684-6-0, knowing or having reason to believe the same to be

Stolen

stolen property, being the property of one Shamanna
alias VenKatabhalaiya Naga the owner and thereby
committed an offence punishable under section
411 of the Indian Penal code, and within my
cognizance and I hereby direct that you be
tried by me on the said charges.

4 & 5 The accused pleaded not guilty and stated as follows:
"I have filed a written statement, I have nothing more to say
The written statement was to the following effect:—
1 I have neither committed theft nor received stolen property.
2 As desired by the Police Inspector, I took the 75/- Rupees
he gave me, got sold for the amount and got a cup and
chain made by VenKataramanabharya for the Inspector's own use.
3 At the connivance of Gowdiah and others
who were under police custody, the police
have concocted this case, against me,
the Inspector being under their obligation.
I am innocent.
4 The Police brought Rs 1000/-, which was
buried in my house, but they have now
produced

produced only Rupees 800/-.

There was 250 and odd Rupees in the bag, but they have produced only Rs 75-14-a, and have not produced the balance.

(6) All this is the mischief of the Police. I am innocent. I pray that I may be released and my property restored to me.

The following witnesses have been examined by the defence

(1) Ranga (2) Kariya (3) Puttaveerakatabha (4) Annappabhari (5) Thopegowda (6) Ranga (7) PuttaKalasegowda (8) Kempegowda (9) Kuri Thimma and filed:—

I

I 40 The applicant has
Puttakalase Gowda, brother of the accused
(defence 4th witness) as exhibit marked I
on behalf of the defence

Information reached the police
Inspector of Hassan, on the 28th December
that the house of Complainant Venkata
Shalivegar in Heragu village, had been
broken into on the night of the 24th idem,
and certain properties stolen from it.
The Inspector proceeded to Dudda, within
the limits of which station the village
of Heragu is situated, on the 29th. There
he went for and examined the Complain-
ant and the value of property stolen

-bee Rupees 1684-6-0.

consisting of a gold cup, A gold three coins of various denominations curre and uncurrent. The First Informa Report was thereupon submitted to the Court, and the Inspector Commenced his investigation. The inspection of the house and its condition shewed that the offe as described had been committed. The Com plaint statement mentioned the name of one Jawara as being suspicious an possibly concerned in the affair. Sus picions having however subsequently rested on two others of the name viz. Jaye Vir Chowdiah and Samalinga they were

were arrested on 3rd December. From
4V
the 3rd to the 18th idem, the Inspector was
occupied in finding evidence making
searches of the houses of various pus-
pected persons &c, but all to little
or no purpose. The accused being a patel
of the village was in trough with the In-
spector and aiding him in the investigation.
In the meanwhile, it is alleged, an anony-
mous letter was received by the Inspector,
attributing the crime to the accused.
He Kept it by and it gradually turned
out that the informations given by the
accused were all more or less false, that the
accused shewed Signs of dispiritedness after
the

the receipt of the anonymous petition,
and he began to give up coming
to the Inspector of Police, as before.
On the 14th December, the Inspector
is alleged to have stated in
conversation with the accused,
to the following effect: "Well all
our enquiries up to now have proved
fruitless. No evidence has been
forth coming against Gowdiah and
Saneeadeviga, whom we have arrested
their remand time is nearly up, and
we shall have to let them go." The
accused is stated to have replied "Wha
do you think so much about it, Give me

Rs

Rupees 100/-/-, I will get a gold cuff and a gold thread
prepared in one day, being the identifiable articles
among the properties stolen. These may then be
inserted into the houses of Govindah and Sam
Linga, and the case against them will be
complete." On this the suspicions of the In-
spector were aroused, whether the accused may
not in reality have the identical stolen arti-
cles and tried to pass it off in this manner.
The Inspector suspected because the accused
undertook to produce the articles in one
day and in a manner identifiable
by the complainant, although he had not
seen the articles. So lest the matter be the
end negotiations about the amount began in

Rs

Rupees 75/-, was given to the accused at the instance of the Inspector, on Monday the 15th December. The same afternoon he came and told the Inspector, that he had sent for the gold to Hassan, and on the 16th said the man had not yet returned. On the evening of the 17th he brought and showed a gold cup and bread to the Inspector. They were allowed to remain with him during the night and on the next day 18th, in the presence of Panchayatdars, the Inspector had the articles produced by the accused. He showed them to the complainant, who readily identified them to be his stolen articles, (produced as articles I and II before the Court). The accused was thereupon at once arrested. On the 19th the accused

verge, was searched and a pot containing Rs 800/-, a bag containing Rupees 7-5-14/- a gold ear ornament (one of) and a copper bar (tool) were discovered(produced before Court as articles IV. V. VI. and VII). Article IV was said to be stolen property, in as much as, the amount, viz, Rupees 800/-/-, was exactly the current coin kept by the complainant and stolen. Article V Rupees 7-5/-/- was paid to be the amount advanced according to the instructions of the Inspector to the accused for getting the gold cup and thread (I+II) made, but which was not utilized. Article VI was the accused's ornament which

which he paid he would use along with
the 75/- Rupees, for the above purpose but
not actually used. Article VII was pro-
duced to be a crowbar, used for com-
mitting the housebreaking. These part-
culars having sufficed to prove the guilt
of the accused in the theft of the propert
the accused was carefully lodged in
custody and the other persons Gowriahd
and Saminathan arrested on the 3rd for
their freedom now. the 19th after being in
confinement for 15 days. On the 20th, the
Inspector brought the gold cup and threads
to Chassan, to ascertain from goldsmith
whether they were old, or of new make
two goldsmiths certified them to be old ones
On the 21st, the Inspector examined two per-
sons, who stated they had cut the rim of the
cup, and the edge of the thread, for the acc
me & them produced a gold piece Arti

Article III, said to have been found
out of the gold cut as above. These par-
48
ticulars having been considered convic-
cing as regards the guilt of the accused,
he was placed with a charge sheet before
this Court.

Such are the particulars of the
case against the accused as deposed
to by the investigating officer. The prose-
cution witness Inspector Krishnaraw. The
evidence adduced in support of the prose-
cution is briefly as follows. The 1st and 2nd
witnesses are the complainant Venkata
Bhalicunga and his sister Kuttiyamma
who identify the gold cups and threads and
claim them as their own. The 10th witness
Krishnegowda, deposes to having been
present at the conversation between
the Inspector and the accused, when the
latter undertook to produce the golden
articles

articles, to having advanced Rs 75/-,
to accused, at the instance of the 4th Prosecut
and to having seen the accused produce th
gold Cup. and thread before the Inspector, firs
on the 17th, and then on the 18th, in the presence
Panchayatdars. The 3rd witness, was among the
Panchayatdars, before whom, accused produce
the articles, on the 19th. The 4th and 5th witnesses
Kotariramabhary and ranjabhary, arti
from the of Harapur, and Bijapura villages, tho
spoke in their examination in chief that the
accused brought to them a gold cup, and thread
and that they cut the rim and otherwise alter
articles as desired by him. In their Cross Exa
mination however they denied the truth of all the sta
ting that they were depositions lectured by the
police and made for their benefit. In cross exa
mination the 4th witness stated, the two article
were actually made by him, to the order
accused, out of gold newly purchased by him

denied all knowledge of the affair. Then again the 1st witness, the 7th Sampathiengar and the 10th witness Kelichuegowda, state that they were present when the house of accused was searched on the 19th December, and that they saw the pot containing 800 rupees (Article VI), and the bag with Rs. 75-14 (Article V), brought out from within. The 9th witness Thiruvenkatachary gives his opinion that the age of the cup and thread tieing that they are probably old on ... Apart from the great dilatoriness and the general laxity in the Police investigations of the case, which will be remarked upon later on, it is observed, that the evidence adduced is by no means particularly strong to bring home the guilt to the accused. There are several and serious discrepancies in the statements of the witnesses. Thus being

the

taking the complainant himself the first state
that he did not mention to the Inspector when
he gave his complaint that he had Sus-
picions on any one. As a matter of fact
it is found that he has mentioned one Jawara
as Suspicious (Ex A) Again, the identifying Strap
(Ex F) in the cuff of which he was paraquine
before the court, he says he gave out to the
Inspector. This is not true as Ex A the complaint
has no mention in it of this. As regards the gold
thread he states that it had two hooks (Hooks)
of the same pattern, whereas his sister the 2nd wit
says distinctly that the two hooks were dissimilar
and each was of a different kind. As regards the evi
dence of the 4th and 5th witness to favour the prosecutio
the less said the better. Their depositions totally contradict
themselves in the examination and Cross examination
no value can be placed on such evidence although so
will be shown later, their statements in cross examination
tally entirely with the evidence for the defence

The

witness is equally favour-

'57

able to the prosecution as for the defence for it is simply to the effect that accused procured the gold cup and thread saying he had got it prepared as desired by the Inspector. For the finding of the pot with Rs 800/- and bag with Rs 75.14-0 in accused's house on search there is the 4th witness. This witness Sampathisayar is a cousin of complainant Venkatachalaisayar and probably a relative. Out of a large number of witnesses who have signed the Pranchayar's on the occasion of the search this is the only one examined on this point.

2. The deficiency and absolute weakness of the prosecution evidence is brought out in very much greater relief when considered along with the glaring improbabilities and curious circumstances as well as the strongly borne out explanation of the defence.

First therefore as regards the defence it is stated that the accused received from Inspector Krishnaiyar Rs 75/- in cash and adding one of his own gold ear ornaments got prepared the gold cup and thread by Venkataramana

as desired by the Police Inspector, for what purchase, we are not told; that subsequently the Inspector making himself liable to obliga-

nvadiah and his party, the ene-

mies of accused turned on the accused him-

self asserting that the articles were stolen pro-

perty at the same time arresting them and discharging Cpvadiah and the other who were in custody for the unreasonable long period of 15 days; that when the house of accused was search-

ed a pot buried in the pro ntaining Rs 1000/-

and a bag containing Rs 250/- were seized and taken over notwithstanding the protestation of the accused's brother and brother-in-law that a Mahazar was drawn up by the Duffe-

dar and Signatures of other than interested persons were forcibly obtained without reading or explaining the contents of the Mahazar, that the pot and the bag Contain Rs 1000/- and 250/- which belonged to

ud 45-14-a as stated falsely
y prosecution; and finally that
these false grounds the accused
as been unjustly prosecuted for
e

This is the version of the
fence and I must say that
e evidence adduced on behalf
e same is clear consistent
d convincing. The depositions
have only to be read to be con
vinced of their truthfulness and
soundness unshaken as they
are by perverse cross Exa
mination. The first witness
Rausa declined to have any talk

The prosecution witness Venkata Ramanabhari to the case in his cart for the purpose of burying gold and to bring it returned with him to Herage with the gold. The 2nd witness Thimma personally saw Venkataramanabhari making the gold cup and thread. The 3rd and 4th witnesses are son and Son-in-law of Venkataramanabhari who actually helped in the making of the articles. The 5th witness Karie Thimma similarly saw the gold thread made and handed over to accused There is not one serious or suspicious flaw in their evidence: And it is curious how some of the matters brought out in the prosecution fit in with this version and lend truth to it. Four other witnesses were present when the accused's house was searched and the pot and the bag were brought out. Of these the 7th and 8th are Putta Kalasegowda

law of accused. They purchase that the moneys
belonged to them; that nobody counted the
amount; that the Maharzar was written
by the Duffedar; that it was neither read
out nor explained; that their Signatures were
forcibly obtained after a deal of abusing
and threatening by the Police Inspector and
that it is false they contained only Rs 800/- and
7/5-14- as alleged by the prosecution. The 5th
and 6th witnesses Thopegowda and Ranga are
thoroughly disinterested and depose similar
to the above adding that the pot and bag contain
undeniably more moneys being fuller and thick
respectively than they now are before the court
They spoke truthfully and consistently and
the demeanour of the 5th witness Thopegowda
in particular appeared to me strikingly
honest and disinterested.

So far, then, the defence appears to
me

me to have satisfactorily established
1st that the gold cup and thread (Articles 6 7
I and II) are not stolen articles but
made to the order of accused recently
and 2nd that the moneys contained in
the first and bag (Articles IV and V) are
similarly not stolen property but
belong to the accused and his people
and probably contained Rs 1000 & 250
respectively. To add greater strength
to this conclusion it only remains to consid
the improbabilities and vicious incide
attending the case.

In the first place the Complai
ant states that he had deposited in on
of one pot (copper pot) Rs 800/- in silver
current coins about Rs 230/- in old un-

ncurrent Silver Coins large and small
50
ಕ್ಕೆ ಬೆಲೆ ರೂ. ೨೫ ಆದ ೩೫ ಸಾವರಿನ್ ಕತಿರಾಯ
35 Sovereigues Value Rs 525/- Katiraya
-area value Rs 28/2, and above these
ನ್ನು a gold thread of the value of Rs 50,
a gold Cup of the value of Rs 50/-. Total,
value of property lost Rs 1684-6-0. To
connect the accused with the theft, the
old Cup and thread produced by him
were attempted to be identified by
complainant. But in this he has completely
failed. Their present stake has convincingly
been established as much by the prosecution
evidence as by the defence. For it may
be stated here that the 4th prosecution
witness Kathiravanabhari showed
a clear proof of his having made it
by stating that he had introduced a
small

Small piece of baser metal between the body of the cup and its foot. He stated that if it were cut at once a piece of whitish metal of the dimensions of a 4ª anna piece would be exposed. So test his statement the cup was cut before Court as directed and so as he paid the mark was found. Since as he paid the mark was found. So much as regards the golden article. With regard to the Silver coin discovered it could not of course be identified but it is extremely curious that out of a large number of coins of various Kinds and denomination as described above not one piece of extra-ordinary or uncurrent coin was found. What is stated to have been discovered is

Ex.

Yes other than a lot of current Rupees which could be found anywhere. The Rs 75/- said to have been found in the bag is another curious coincidence. The Police would appear to be somehow — Solicitous in finding exactly what was stolen and what they had advanced — separately tied and kept for them to be seized. I certainly do not believe the prosecution to be true or honest. Again an implement used for house breaking is paid to have been discovered and seized. And what is it. An ordinary crow-bar (wood) which is more invariably present in every house than not. With this crow-bar, the prosecution would believe that accused had bored in [illegible] in complaint that.

That the Complainant's house

has been broken into and that proper 61

as specified has been stolen therefrom

appears to be beyond reasonable doubt

The accused was aiding the Police in t

investigation from the Commencement

and after a deal of protracted and

indecisive action it appears to have be

finally settled between the Police and

the accused that somehow or other the

guilt should be brought home to some on

with this object, apparently, it was decr

ed that accused should get a gold cuff an

thread prepared so that it may be identifie

the description was before them and the Com-

plainant would only be too ready to clai

anything that was shown him to be his own

Money

Money was got up for the occasion the Inspector securing Rs 75/- from willing people and the accused contributing a gold ornament of his own to supplement the deficiency. The golden articles were got prepared, the accused believing, in all frankness, that he was working for the incrimination of some one else. But some unknown causes or events intervened and by the time the articles were ready, the blow fell on the accused himself. He was treated as the thief and arrested. That the accused was engaged in the wicked affair appears to be well borne out by the omission on his part to explain why he was getting the articles made for the

the Inspector. He simply pays betrays the full assurance that there is some thing more hidden behind it, that he was getting the things done as desired by the Inspector for his private use. This, of course, is absurd. The Inspector would not go to Atrapur village for getting some gold articles for his private use and under such circumstances. Equally incredible is the statement of the Inspector that he asked the accused to get the articles prepared knowing that the articles were already in his possession and hoping to bring to light accused's guilt by this device. The Inspector is clever enough to have known the shallowness of such a device. And no consent, however given his passive also took active steps used Rs 75/- in hardcash

and undertaking to recoup it from
Government after the affair was over.
This was undoubtedly too much for the Inspector
to do on his own responsibility. He admits
he did this on his own responsibility and
without any instructions from his superior
officers. I am of opinion that the Inspector
could not have gone so far to carry out
the device, more especially when I find
from the circumstances of the case that he
had such little reason to suspect the
accused. If other circumstances had
inclined him strongly to think that
accused was guilty and that it only wants
the carrying out of this device to fully
establish accused's guilt, then perhaps
there would be some shows of reason for the
Inspector acting as he did. There were no
such circumstances in the present case.
There was not a shadow of doubt as regards
the

the accused's concern in the offence and all of a sudden is to be told that the inspector forced on the design of entrapping the accused. in this manner appears to be a matter little short of absolute incredibility. The anonymous letter in question appears to be nothing more than a clever ruse. I must characterise the whole case against the accused as a piece of clever concoction. The case began in a manner in which the accused had his part to play, but it ended mysteriously in the blow falling on the head of the accused himself. I feel supported in making these remarks by a careful perusal of the proceedings of the Police in the investigation of this crime, which [illegible] briefly in the closing para

These remarks have been made at some what great length, because the value of the property [illegible] Court is large and on the decision [illegible] who is to be held the

the owner of it. Giving the matter my
66
best consideration I feel convinced
that none of the properties produced
before the Court are properties
stolen from the complainant, but
that they belong to the accused and
his family from whom the Police
seized them. The accused, it has been
elicited, is a man of means and
the Patel of the village. His character
has always been unimpeachable
and he has always been considered
a respectable person.

For the foregoing reason
I come to the conclusion that the
accused Putta Thimmegowda is not
guilty of the offence with which he
has been charged viz sections 457,
380 and 411 I.P.C. It is therefore ordered
that he be acquitted under Section 258 C

All

etc, the properties produced before Court will be returned by the Police to the parties from whom they were seized.

Signed B. Ramaswamaiah
1st Class Magistrate

11-2-03.

It will be a failure of duty if it is omitted to notice at some length the manner in which the Police investigation in this case has been conducted. To say the least, the proceedings are characterised by extreme dilatoriness, vacillation and shallow scheming. This is to say the least. Inspector Krishna Rao has conducted the investigation personally but I must say it has resulted in a manner far from bringing him credit. The facts

have only to be set forth to bear out what
has been paid. The Offence was com-
mitted on the night of the 24th November.
On the 29th the complainant's statement
was taken by the Inspector (For this delay)
the Inspector was not responsible. For,
quite in harmony with the other mysterious
transactions in this case, the complainant
although loosing a large amount of
property has not come forward or taken
active steps to report the Offence with
full particulars in any earnest manner
as might have been expected.) Suspi-
cions first fell on one Jawara, then on
Govindiah and Gunnaliah. On 3rd December
the two latter were arrested on Suspicion
and

and taken to custody. Their houses
were searched but with no useful
result. From the 3rd to the 18th for 15 days
these two men Gowdiah and Sawna
Linga were kept in custody the
interval being occupied in searching
the houses of various suspected per-
sons. It is not necessary to go into
details. The Inspector's deposition indi-
cates in a vague manner what was
done. It is enough to note that at various
times suspicions were said to rest on
various persons and the houses of no
less than 4 or 5 independent persons were
searched but without any effect, Of course
From the 4th to 14th occurred the seasons
between the Incident on and the arrest

with regard to what was called by the pro-
secution the production of the cup and
knife and by the defence the preparation
and manufacture of them. However
on the 18th the articles were produced by
accused and immediately afterwards
he was arrested. The arresting of the
accused was the signal for the freedom
of the other two persons. They were released
on the 19th. The full period of remand of 15 days
was obtained with regard to the accused
and the result of the inquiry of that period
is shown in the evidence adduced for the
prosecution. The result of the trial speaks
for itself. There does not seem to be
any need to dilate further.

Signed C. Ramaswamiah
Assistant Commissioner
1st Class Magistrate Hassan.
11-12-03

Read :-

(12)

Serial No 62 Correspondence ending in

letter No. 5369/330 dated the 18th

March 1904, from the Inspector

General of Police in Mysore,

reporting that the Deputy Com

missioner of the Hassan distric

has, for reasons stated, addres

the Public Prosecutor of the

Ashtagram Division to defend

Police Inspector Krishna Rao

and five others, for whose

prosecution for having given

false evidence an applicatn

was ~~made~~ presented by Patel

Putta Timmégowda to the

Court of the Sessions Judge,

Mysore, and requesting that

defence of the Officials referred 72.

to at Govt Cost.
Letter no. 5884/3/65 dt the 16 March recd from th

Order thereon. No 2464-65 J 18.5.04

The action of the

Deputy Commissioner is approved.

2. The Inspector General

is requested to report ~~[illegible]~~ how

the case stands at present & what orders
were passed after
Devanis Inspr on Petn Mendu Gowda's
appl.

Dewanis order

Offg Secretary

To

The I.G. of Police in Mysore

" Dy Comr, Hassan &c

SW
16/5/04